

REMARKS

In the outstanding official action, claims 19 and 20 were deemed to be allowable, while claims 1-8, 12, 13, 16-18 and 21-28 were rejected under 35 USC 103(a) as being unpatentable over Berge et al in view of Mitani et al and claims 9-11, 14 and 15 were rejected under §103(a) as being unpatentable over the foregoing references in further view of Bartels, all for the reasons of record. In response, it is respectfully submitted that independent claim 1, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references for the reasons detailed below. Accordingly, allowable claims 19 and 20 have not been placed in independent form at the present time, pending a final determination of the patentability of the remaining claims.

In the Action, it was suggested that Berge, which is directed to a variable focus lens of the type having a chamber filled with first and second liquids, generally teaches a structure as recited in claim 1 of the instant application, but it is admitted in the Action that Berge fails to expressly teach configuring or altering the optical properties of at least a portion of the wall of the housing so as to at least reduce the reflectivity thereof. Accordingly, Berge was combined with Mitani, which teaches reducing the reflectivity thereof in order to overcome the foregoing admitted deficiency of Berge.

In response, it is first noted that whereas Berge is directed to a variable focus lens comprised of first and second liquids, as is the instant invention, the Mitani reference is directed to a substantially different structure, namely a solid, conventional lens structure. Accordingly, it is respectfully submitted that, absent the benefit of impermissible hindsight derived from the instant disclosure, it would not be apparent to one of ordinary skill in the art to combine teachings from these two very different structures. This is particularly true in view of the fact that solutions used to solve reflection problems in conventional structures are not suitable for variable-focus lenses comprised of fluids, as expressly noted, for example, on page 3, lines 11-15 of the instant disclosure.

Furthermore, as expressly admitted in the Action, Berge, which relates to a variable-focus lens formed of two different liquids simply teaches that the chamber or housing may be comprised of any number of different materials, with no recognition of the underlying concept of the instant invention, namely that the optical properties of at least a portion of the wall of the housing may be configured or altered so as to at least reduce the reflectivity thereof. Clearly, there is no apparent reason why one of ordinary skill in the art, absent the benefit of impermissible hindsight, would seek to configure or alter the optical properties of the housing to reduce the reflectivity thereof. Similarly,

absent the benefit of hindsight, there would be no apparent reason for one of ordinary skill in the art to employ teachings from a reference directed toward a solid conventional lens structure into the variable-focus two-liquid lens structure of the instant invention, particularly because reflectivity problems in the liquid lens structure cannot be resolved using techniques traditionally employed in conventional solid lens structures, as noted above.

In view of the foregoing, it is respectfully submitted that independent claim 1, and the remaining unallowed claims depending therefrom, are clearly patentably distinguishable over the cited and applied references. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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